

Application No. 09/892,753

REMARKS

Claims 1-10 are pending. Attached please a Substitution of Attorney for this case. Applicants appreciatively acknowledge that claims 7-10 have been allowed. Claims 1, 2, 3, 4 and 6 currently stand as rejected and claim 5 has been objected to as depending from a rejected base claim. Applicants respectively request reconsideration of the rejection in view of the following comments.

35 U.S.C. 103(a) Rejections

In the Office Action of April 23, 2003, the Examiner rejected claims 1, 2, 3, 4, and 6 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,899,835 to Puranda Fig. 1 in view of Fig. 3 ("the Puranda Patent"). Specifically, the Examiner asserted the Puranda Patent discloses a device comprising a support plate (38) attaching means (42) in the form of bolt arms (48) a rotating means (52,58) and a bag (54) located on the ends of the arms. However, Applicants submit that the Puranda Patent does not teach or suggest rotating means. Applicants respectfully request reconsideration of the rejections based upon the following comments.

The Examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness. (MPEP §2142). The prior art references must teach or suggest all the claim limitations. (MPEP §2143.03). The Examiner asserted that the Puranda Patent discloses a punching bag with a rotating means. However, elements 52 and 58 are not disclosed as rotating means. Specifically, element 52 is a cap "sized to fit upon the top end 28 of the stanchion 16, for securing in a removable manner the arms 48 radially about the top end 28 of the stanchion." (See Specification at Col.4, lines 56-59). Thus, the cap 52 secures the arms 48 in a non-rotating manner to allow the springing motion of the coil springs 50 in the arms 48. Additionally, element 58 is a elongate sleeve which "extends centrally through the body bag unit 24 and is affixed thereto." (See Specification Col. 4 line 67-Col. 5 line 1). The sleeve 58 contains a lock pin 60 to allow height adjustments, but is not disclosed as permitting rotation. Furthermore, Fig. 3 of the Puranda patent depicts a T-bar unit "removably attachable onto the top end 28 of the stanchion 16, so that the trainee can do pull-up exercise for the chest and backs". (See Specification Col. 4, lines 32-34). T-bar rotation would defeat the function of providing a means for pull-up exercises. Thus, one of ordinary skill in the art would not expect springing arms or a

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pull-up bar to rotate. In contrast, Applicants' invention, as claimed in independent claims 1 and 4, relates to a rotating punching assembly comprising "a rotating means for rotating the rectangular arm in a clockwise and counterclockwise direction on top of the support plate." Since neither Fig. 2 nor Fig. 3 of the Puranda Patent teach or suggest the rotating means, the Puranda patent does not render Applicants' claimed invention prima facie obvious.

In regard to claim 3, the Examiner asserts Puranda element 28 is considered a rotating axle support and Puranda element 52 is a bearing member. However, nothing in the Puranda patent discloses the top end 28 of the stanchion 16 and the cap 52 as rotating. In fact, if the stanchion 16 and cap 52 allowed rotation, the arms 48 could not spring back and forth as intended.

With respect to Examiner's arguments specifically directed towards specific features of the dependent claims, Applicants have not responded as the Examiner's assertions are not applicable in view of the comments presented above. Claim 5 was objected to as depending from rejected base claim 4, based on the comments above; Applicants respectfully request the withdrawal of the objection.

Because the teachings of Fig. 1 and Fig. 3, alone or in combination, of the Puranda patent do not render Applicants claimed invention prima facie obvious, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 103(a) as being unpatentable over the Puranda patent Fig. 1 in view of Fig. 3.

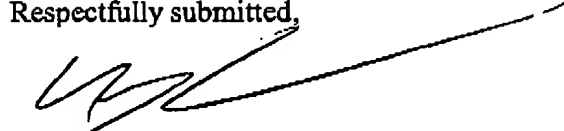
Conclusion

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

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Respectfully submitted,



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